

REMARKS

Claims 15-37 remain in this application. Claims 1-6 and 9-14 have been withdrawn; claims 7 and 8 are cancelled. Claims 15-37 have been added to more clearly define the invention.

The Examiner rejected claims 7 and 8 under USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Applicant has cancelled claims 7 and 8 and added claims 15-34 to more clearly define the invention. Applicant submits, however, that claim 7 is not necessarily directed to a “check valve” and that cusps are discussed at least at page 15 of the specification and depicted at Figure 12.

The Examiner rejected claims 7 and 8 under 35 USC § 102(b) as anticipated by Pavcnik et al. (US Patent No. 5,397,351). Applicant traverses this rejection.

Applicant has cancelled claims 7 and 8 and added claims 15-34 to more clearly define the invention. Pavcnik does not teach or suggest the claimed subject matter. Pavcnik describes a poppet valve having a seat with an opening, a ball or poppet that sits in the seat to prevent blood flow in one direction, and a cage to capture the ball when blood flows through the opening in the other direction. Pavcnik does not teach or describe a sleeve or cusp. Nor does it teach or describe a valve or valve device that is capable of being delivered via a catheter. As is shown in Figure 5, Pavcnik delivers the poppet separately from the remainder of the valve by a separate catheter.


Specifically, Pavcnik does not teach or suggest a valve that includes flexible sleeve and at least one cusp configured to permit blood flow through the at least one cusp in a single direction, the valve being capable of insertion to the desired location via a catheter. Pavcnik also does not teach or suggest a valve device that includes a mounting ring expandable from a first diameter to a second diameter, and a valve having a proximal end and a distal end, the valve attached to the mounting ring at the proximal end, the valve comprising at least one cusp configured to permit blood flow through the at least one cusp in a single direction. As a result, Applicant requests the Examiner to withdraw the rejection.

The Examiner rejected claims 7 and 8 under 35 USC § 102(e) as anticipated by Block et al. Applicant searched the record for any reference to Block and found no such a reference. Upon conducting a search on the USPTO website, Applicant located U.S. Patent No. 5,554,185, a patent having Block as its first named inventor and subject matter relevant to the current application. The located Block patent was filed on July 18, 1994, however, well after the priority date of this application, July 16, 1991. As a result, Applicant requests the Examiner to withdraw the rejection in the event the rejection was based on the above Block patent, or, in the alternative, to clarify the rejection by providing Applicant with the U.S. Patent reference number.

Applicant resubmits an Information Disclosure Statement originally filed on May 15, 2003, in the event that the originally filed IDS was not attached to the application file prior to the notice of abandonment being mailed.

Applicant respectfully requests the Examiner to contact the below-signed if a discussion regarding the merits would advance prosecution of this case.

Respectfully submitted,

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